



STATE OF INDIANA

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October 21, 2013

Pete Smith
30 S. Range Line Rd.
Carmel, IN 46032

*Re: Formal Complaint 13-FC-284; Alleged Violation of the Open Door Law by
the City of Carmel Police Merit Board*

Dear Mr. Smith,

This advisory opinion is in response to your formal complaint alleging the City of Carmel Police Merit Board ("Board") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et. seq.* The Board, by Mr. Douglas C. Haney, Esq., responded to your complaint. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 24, 2013.

BACKGROUND

Your complaint alleges the City of Carmel Police Merit Board cancelled a scheduled meeting on September 23, 2013 without posting notice of the cancellation. You submitted your formal complaint on September 24, 2013.

The Board filed its response on October 10, 2013 positing that a cancellation notice was not required; therefore, no violation of the Open Door Law occurred.

ANALYSIS

It is the intent of the Open Door Law (ODL) that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. *See* Ind.Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. *See* Ind. Code § 5-14-1.5-3(a).

The Open Door Law only enumerates the instances in which open meetings are held or will be held. There is no provision of the ODL that requires notice of a cancelled meeting. The rescheduled meeting; however, will necessitate notice.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Office of the Public Access Counselor that the City of Carmel Police Merit Board has not violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Douglas C. Haney, Esq.